IN RE: PETITION FOR SPECIAL HEARING N/S Snyder Avenue, 200' W of \* DEPUTY ZONING COMMISSIONER Sparrows Point Road (2506 Snyder Avenue) \* OF BALTIMORE COUNTY 15th Election District 7th Councilmanic District \* Case No. 90-499-SPH Ronald B. Felluca Petitioner

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a two apartment dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition was Petitioner's father, Otto Felluca, Joan McKenny and Charles Fillmore. There were no Protestants.

Testimony indicated that the subject property, known as 2506 Snyder Avenue, consists of 0.15 acres zoned D.R. 5.5 and is improved with a two story dwelling. Mr. Felluca testified that he purchased the subject property in 1986 at which time the subject dwelling was advertised for sale as two apartments and occupied by two tenants. He testified that an apartment exists on both the first and second floors of the subject dwelling, with the first floor apartment having an entrance from the front and the second floor apartment having an exterior side entrance. Testimony indicated that there is no interior entrance between the two apartments. Mr. Felluca testified that since the time of his purchase the property has been occupied continuously and without interruption as a two apartment

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

July 27, 1990

S. Eric DiNenna, Esquire 409 Washington Avenue, Suite 600 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING N/S Snyder Avenue, 200' W of Sparrows Point Road (2506 Snyder Avenue) 15th Election District - 7th Councilmanic District Ronald B. Felluca - Petitioner Case No. 90-499-SPH

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Dennis F. Rasmussen

( MNos howing ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: Mr. Ronald B. Felluca 1300 Gateshead Road, Towson, Md. 21204 People's Counsel

Joan McKenny, adjoining property owner at 2508 Snyder Avenue, testified in support of Petitioner's request. Ms. McKenny testified that she has resided in the adjoining residence since 1957. She testified that both she and her husband operate the service garage to the opposite side of the subject property known as M & M Fuel Oil Company. Ms. McKenny testified that to the best of her recollection the subject property has been used continuously and without interruption, other than for a change in tenants, as a two apartment dwelling. She testified that her own son resided in one of the apartments on the subject property from approximately 1976 to 1979.

Charles Fillmore testified on behalf of the Petition. He indicated that he has resided in one of the subject apartments for approximately the past 2 years. Mr. Fillmore testified that prior to 1953 he frequented that time, he testified the second floor was rented out as an apartment. Mr. Fillmore testified he distinctly remembers the conversion of the first floor restaurant in 1953 to an apartment, thereby creating a two apartment

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original

a restaurant, known as Maude's, which operated out of the first floor. At

to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 49-49-59-49

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve \_\_\_\_\_

Non-conforming use of a single family detached dwelling as two (2) apartments.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

ontract Purchaser:	Legal Owner(s):  Loneld B. Jell	www.andpege
(Type or Print Name)	(Type or Print Name)	β -
Signature	Ronald B. Felluca Signature	E.D
Address	(Type or Print Name)	1000
City and State	Signature	DP C
ttorney for Petitioner:		<b></b>
S. Eric Di Nenna. Esquire (Type by Print Name)	1300 Gateshead Road Address Towson, Maryland 2120 City and State	Phone No.
Signature ( 409 Washington Ave., Suite 600  Address Towson, Maryland 21204	Name, address and phone number of le tract purchaser or representative to to S. Eric DiNenna, Esqui	be contacted
City and State 301-296-6820	4 dame Washington Ave., Towson, MD 21204, 29	Ste. 600 6-6820
Attorney's Telephone No.:		

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ 2, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughunty, that property be posted, and that the public hearing be had before the Zoning of Baltimore County in Room 106. County Office Building in Towson, Baltimore e day of 1990, at 11:30 o'clock

ED 4/17/20 BY ULL

nal use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d.

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

> "(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use:

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood; (d) Is the current use a "drastic enlargement

or extension" of the original non-conforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented,

it is clear that a legal nonconforming use of the subject property as a two apartment dwelling exists and there has been no change in such use. Further, testimony indicated the use has been continuous and uninterrupted pursuant to the requirements of Section 104.1 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted. THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for

Baltimore County this Manager day of July, 1990 that the Petition for Spe-

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

March 23, 1990

No. 2506 Snyder Avenue 15th District Baltimore County, Maryland

Beginning for the same on the north side of Snyder Avenue at the distance of 199.89 feet measured westerly along the north side of Snyder Avenue from the west side of Sparrows Point Road, thence binding on the north side thereof North 70 degrees 39 minutes West 42.50 feet, thence leaving Snyder Avenue for three lines of division as follows: North 26 degrees 21 minutes East 150 feet South 70 degrees 39 minutes East 42.50 feet and South 26 degrees 21 minutes West 150 feet to the place of beginning.

Containing 0.15 acres of land more of: less.



cial Hearing to approve the nonconforming use of the subject property as a two apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> > ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore Courty

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

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AMN:bjs

Account: R-001-6150

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B B 111\*\*\*\*\*\*35£0;a 317%F Please make checks payable to: Baltimore County Cashier Validation:

90-499-SPH

Subject of Violation By Congruenter. I Suggested Flor Stans - me areas definitat

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY GO-499-5P /

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District 1326	Date of Posting 7/3/90
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Posted by Similar	Date of return: 2/6/8
printering.	
Number of Signs:	

90-499-504 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 1574 Royald B. Felluca Location of property: N/S Sny dox Are. 200' W/stonews Ph. Rd, 2506 Snyder Ara Location of Signs: Focing Snyder Are opens. 25' Fr. wedway Number of Signe:

Avedury on fre for the of total Posted by Date of return: 7/6/9/ Number of Signe:

Petitioner: 1024 13 F. 1100

Location of property: 2506 5.20 day Ans

CERTIFICATE OF POSTING

Acid more County

Zoning Commissioner

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

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Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

PETITIONER(S):

LOCATION:

June 19, 1990



90-499-SPH Ronald B.Felluca 2506 Snyder Avenue

THE ABOVE MATTER HAS BEEN REASSIGNED. THE HEARING WILL NOW TAKE PLACE AS FOLLOWS:

NOTICE OF REASSIGNMENT

TUESDAY, JULY 24, 1990 at 9:30 a.m.

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

J. Robert frince

J. ROBERT HAINES ZONING COMMISSIONER BALTIMORE COUNTY

cc: Ronald B. Felluca S. Eric DiNenna, Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Rocca 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing CASE NUMBER: 90-499-SPH N/S Snyder Avenue, 2001 W of Sparrows Point Road 2506 Snyder Avenue 15th Election District - 7th Councilmanic Petitioner(s): Ronald B. Felluca HEARING: THURSDAY, JULY 5, 1990 at 11:30 a.m.

Special Hearing: Non-conforming use of a single family detached dwelling as two apartments.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County

> Ronald B. Felluca 5. Eric DiNenna, Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Ronald B. Felluca 1300 Gateshead Road Towson, Maryland 21204

Petition for Special Hearing CASE NUMBER: 90-499-5PH N/S Snyder Avenue, 200' W of Sparrows Point Road 2506 Snyder Avenue 15th Election District - 7th Councilmanic

Petitioner(s): Ronald B. Felluca HEARING: TUESDAY, JULY 24, 1990 at 9:30 a.m. Dear Petitioner:

Please be advised that \$\_\_\_\_\_ is due for advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & PUST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

cc: 5. Eric DiNenna, Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Zoning Commissioner

June 22, 1990

S. Eric DiNenna, Esquire 409 Washington Ave, Suite 600 Towson, MD 21204

Dennis F. Rasmussen

RE: Item No. 363, Case No. 90-499-SPH Petitioner: Ronald B. Felluca Petition for Special Hearing

Dear Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours, Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Ronald B. Felluca 1300 Gateshead Road Towson, MD 21204

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Av-

Petition for Special Hearing
Case number: 90-499-SPH
N/S Snyder Avenue, 200' W
of Sparrows Point Road
2506 Snyder Avenue
15th Election District
7th Councilmanic
Petitioner(s):

Dennis F. Rasmussen

Petitioner(s):
Ronald B. Felluca
Hearing Date: Thursday,
July 5, 1990 at 11:30 a.m. Special Hearing: Non-conforming use of a single family detached dwelling as two apartnents.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Com-missioner will, however, entertain period for good cause shown. Such request must be in writing date of the hearing set above or presented at the hearing.

6/026 June 7.

THE JEFFERSONIAN,

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 13, 1990

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive

sière Orlow

PO 104666

Notice Of Hearing

The Zoning Commissioner of Balti-more County, by authority of the

Zoning Act and Regulations of Bal-timore County will hold a public

hearing on the property identifie herein in Room 106 of the County

Office Building, located at 111 V

Chesapeake Avenue in Towson Maryland 21204 as follows:

Case Number:90-499-SPF N/S Snyder Avenue, 200'

W of Sparrows Point Road

2506 Snyder Avenue 15th Election District -

7th Councilmanic

Petitioner(s): Ronald B

Hearing Date:

THURSDAY, July 5, 1990 at 11:30 a.m.

Special Hearing: Non-conformi

dwelling as two apartments.

use of a single family detached

In the event that this Petition is granted, a building permit may be

issued within the thirty (30) day appeal period. The Zoning Com missioner will, however, entertain

any request for a stay of the issuance of said permit during this period for good cause shown, Such

request must be in writing and received in this office by the date of the hearing set above or presented a

J. ROBERT HAINES

**Baltimore County** 

Zoning Commissioner of

the hearing.

Petition for Special Hearing

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

June 7, 19<u>90</u>

442 Eastern Blvd. Balto., Md. 21221

THIS IS TO CERTIFY, that the annexed advertisement of

Ronald B. Felluca in the matter of Petition for Special Hearing of 2506 Snyder Ave. Case # 90-499-SPH, P.O.# 0104667, Req # M44210. 91 lines @.55 or \$50.05

was inserted in The Avenue News a weekly newspaper successive week(s) before the <u>8</u> day of <u>June</u> 19 90:

that is to say, the same was inserted in the issues of June 7, 1990

The Avenue Inc.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Your petition has been received and accepted for filing this 9th day of May, 1990.

ZONING COMMISSIONER

Received By:

Zoning Plans Advisory Committee

Petitioner: Ronald B. Felluca Petitioner's Attorney: S. Eric DiNenna BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: April 26, 1990

Pat Keller, Deputy Director Office of Planning and Zoning SUBJECT: Ronald B. Felluca, Item 363

The Petitioner requests a Special Hearing to establish the nonconforming use of a two-apartment dwelling. In reference to this request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

May 24, 1990



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 332, 333, 354, 359, 362, 363, 364, 365, 366, 367, 369, 370, 371, and 372.

Very truly yours,

Michael & Hange Michael S. Flanigan Traffic Engineer Associate II

MSF/lvw

(This form replaces DC 261.)

阿拉斯拉人

Think I had

DINENNA, MANN & BRESCHI ATTORNEYS AT LAW MERCANTILE-TOWSON BUILDING

S. ERIC DINENNA, P.A. JAMES L. MANN, JR., P.A. GEORGE A. BRESCHI, P.A. GERALDINE A. KLAUBER FRANCIS X. PORGERDING

TELEFAX (301) 296-6884

Ms. Ann Nastarowicz Deputy Zoning Commissioner for Baltimore County 111 W. Chesapeake Avenue Towson, Maryland 21204

SUITE 600

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(301) 296-6820

RE: My Client: Ronald B. Felluca Location: 2506 Snyder Avenue Case No.: 90-499-SPH

Dear Madam Commissioner:

Enclosed herewith please find a copy of a notification I received from the District concerning the above-captioned matter.

As I indicated to you, this matter was continued in the District Court pending your decision concerning my client's Petition. You indicated to us at the time of hearing that you would, as a result of the Special Hearing tried before you, declare the subject property nonconforming for two apartments.

I would respectfully request that you issue an Opinion and Order as soon as possible prior to August 29, 1990, so the County can take its appropriate actions in the District Court.

Thank you for your cooperation.

Enclosure Timothy Kotroco, Esquire Mr. Ronald Felluca Mr. Craig McGraw

DISTRICT COURT OF MARYLAND FOR..... .Case No....735-90SP/T... Located at .. 111. Allegheny. Ave. ... 21204.. CITATION 90-278 STATE OF MARYLAND J. Robert Haines-Zoning Comm. Ronald B. Felluca TRIAL OR HEARING NOTICE S. Eric DiNenna Mercantile TOwson Bldg. 409 Washington Ave. Torson, Md. 21204 □ Notice of intent to defend has been filed by . , in the above case. The trial is ..... You must be prepared for trial on this date. XXXXThe trial date in the above case has been changed to ... August 29, 1990 ..... at .1:30 P.M. You are hereby summoned to appear at the above location. ☐ Hearing on Motion to be held ... ☐ If Motion results in trial, trial ☐ will be held the same day ☐ will be rescheduled. ☐ Continuation of oral examination to be held on... ☐ Case has been continued to an indefinite date. You will be notified. .....J. Schmidt.... .....July 23 1990 .... Copies mailed to: Ronad B. Felluca 1300 Gateshead Rd. Baltimore, Md. 21204 Craig McGraw Zoning Inspector Zoning Enforcement Section 111 W. Chesapeake Ave. Towson, Md. 21204 Timothy Kotroco, Esq. Office of Law Mail Stop 2209

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

J. Robert Haires Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



RONALD B. FELLUCA RE: Property Owner:

N/S SNYDER AVENUE 2506 SNYDER AVENUE

Item No.:

Zoning Agenda: NAY 8, 1990

Centlemen:

PLEASE PRINT CLEARLY

Location:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. Chapter 19

Special Inspection Division

Petition;

Kare B. Folks

1300 GATESTERO RD. 1300 SATEN Levelled 2/204

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BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 11, 1990 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting

for May 8, 1990

The Developers Engineering Division has reviewed the subject revised zoning items and we have no comments for Items 332, 333, 354, 362, 363, 365, 369 and 370.

For Items 367, the previous County Review Group Comments still apply.

For Item 359, 2-foot setback for parking is inadequate for vehicle overhand against State Highway Administration fence.

For Item 364, the address on the plat is #9400 for

For Item 366, the correct plat reference is

For Items 371 and 372, no plans were received for review and comment.

For 89-483A, we have no comment.

ROBERT W. BOWLING, P.E., Developers Engineering Devision

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